

United States Courts
Southern District of Texas
FILED

#29
FEB 29 1996

Michael W. McRaven, Clerk of Court
CIVIL ACTION NO. 4:94-4168

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

PATRICE SHARP,
Plaintiff,
vs.

THE CITY OF HOUSTON, et al.
Defendants.

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CIVIL ACTION NO. 4:94-4168
Michael W. McRaven, Clerk of Court
A JURY IS DEMANDED

**PLAINTIFF'S DESIGNATION OF EXPERT WITNESSES
AND MOTION FOR EXTENSION OF TIME**

Patrice Sharp, the plaintiff, files this designation of her expert witnesses and, additionally, asks that the Court grant a one-month extension of time for providing her expert witnesses' reports. The request for an extension is unopposed by counsel for most of the defendants.

Designation of Experts

The plaintiff designates the following expert witnesses in this case:

1. Melvin L. Tucker, P.O. Box 141, Isleboro, Maine 04848, (207)734-6880. Mr. Tucker will serve as an expert witness on issues of police conduct and administration, including the police code of silence. He is a former police chief.

2. Dr. Aracelli Casso, 17225 El Camino Real, Suite 450, Houston, Texas 77058, (713) 480-7554, Dr. Casso will serve as an expert on plaintiff's treatment and emotional state during periods of time relevant to this lawsuit. Dr. Casso examined and/or treated the plaintiff with regard to her psychological injuries. The plaintiff may call her to testify about plaintiff's psychological treatment, diagnosis, and prognosis. Plaintiff may also offer her records into evidence, regardless of whether plaintiff calls her to testify.

3. Dr. David Bissett, HPD Psychological Services, c/o 61 Riesner, Houston, Texas 77002, Dr. Bissett will serve as an expert on plaintiff's treatment and emotional state during periods of time relevant to this lawsuit. Dr. Bissett examined and/or treated the plaintiff with regard to her psychological injuries. The plaintiff may call him to testify about plaintiff's psychological treatment, diagnosis, and prognosis. Plaintiff may also offer his records into evidence, regardless of whether plaintiff calls him to testify.

4. Katherine L. Butler, 3223 Smith, Suite 308, Houston, Texas 77006, (713) 526-5677, expert on attorneys' fees.

5. Dennis Herlong, Glickman, Herlong & Hughes, L.L.P., 1400 First City Tower, Houston, Texas 77002, (713) 658-1122, expert on attorneys' fees.

6. Sheila Owsley, 4200 Montrose, Houston, Texas 77006, (713) 526-2610, expert on attorneys' fees.

Request for Extension of Time

The scheduling order in this case requires a designation of expert witnesses at this time. The plaintiff is mindful that Rule 26 requires that reports be submitted at the time an expert witness is designated, unless otherwise stipulated by the parties or directed by the Court. The plaintiff needs an additional month to provide the report of Melvin Tucker, Dr. Casso, and Dr. Bissett.

Counsel for plaintiff and counsel for all defendants except Edgar Bice and Wayne Hankins have stipulated, as permitted by Rule 26, to defer all expert reports until April 1, 1996. Additionally, these counsel have agreed that attorney's fees reports will be deferred until the trial on the merits is complete. At that time, the parties have agreed that, should the defendants wish reports from said experts, they will be provided on ten days' notice.

As grounds for the extension of time sought, the plaintiff states that the timing of the report comes during a time when both plaintiff's counsel and counsel for all defendants except Bice and Hankins have had unusually heavy deposition and discovery schedules, which has made it difficult to communicate with the experts and provide a complete report in a timely manner. The one-month extension will not delay the trial of this case and, naturally, the plaintiff will offer the same courtesy to the remaining defendants.

The plaintiff's counsel has been unable to reach counsel for defendants Bice and Hankins, Bohn Phillips, to seek a stipulation regarding the date for expert witnesses' reports, although she has attempted to do so and has left messages for him. Because she cannot reach Mr. Phillips to discuss stipulation, the plaintiff requests that this Court grant her a one-month extension of time to file the report of her expert witnesses.

Conclusion

The plaintiff, Patrice Sharp, thus respectfully asks this Court for a one-month extension of time to provide the report of her expert witnesses to the defendants.

Respectfully submitted,

BUTLER & HARRIS

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CERTIFICATE OF CONFERENCE AND ATTEMPTED CONFERENCE

The undersigned attorney certifies that she has conferred with counsel for all defendants except Messrs. Bice and Hankins and that he has agreed to the extension requested of the Court. The undersigned also certifies that she attempted to contact Bohn Phillips, counsel for defendants Edgar Bice and Wayne Hankins, to determine whether he would stipulate to extend by one month the time by which the expert reports are due. Although she left messages for Mr. Phillips, Mr. Phillips had not returned phone calls and she was unable to ascertain his position on the matter as of the time this designation was due.

Katherine L. Butler
Katherine L. Butler

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document has been served upon counsel for the defendants by certified mail, return receipt requested, on the 29th day of February, 1996.

Katherine L. Butler
Katherine L. Butler